

CHAPTER 5

BUILDING AND BUILDING CODE
SYNOPSIS

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Sec.	5.101	PROCEDURES OUTLINED

The procedures outlined herein provide basic guidance for the issuance of building permits by the City of Windcrest's Director of Building Services, for the review of building permit applications and the necessary documents related thereto, and for the resulting inspections of construction by the City of Windcrest Inspector.

Sec. 5.102 STANDARDS OF CONSTRUCTION

The bases for the standards of construction are the International Codes. It is understood that only those portions of those Codes, pertinent to the interest of the City of Windcrest, will be utilized.

Subchapt. 5.200 DEFINITIONS

For the purposes of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, the plural the singular. The word BUILDING shall include the word STRUCTURE, the word LOT shall include the word PLOT, and the word SHALL is mandatory and not merely permissive or directory.

1. ACCESSORY BUILDINGS AND USE: A subordinate building or a portion of the main building, the use of which is incidental to that of the main building or to the main use of the premises. An accessory use is one which is incidental to the main use of the premises.
2. ALTERATION: Any change or modification in construction or occupancy.
3. BUILDING: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.
4. CITY: The City of Windcrest, Texas.
5. CONSTRUCTION: The erection of a structure.
6. DEMOLITION: The whole or partial destruction of an existing building in preparation for reuse of the land area.
7. DISTRICT: A section or sections of the City of Windcrest, Texas, for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

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8. ENGINEER: A person duly authorized and properly registered under the provisions of the Texas Engineering Practice Act, as heretofore and hereafter amended, to practice the profession of engineering.
9. ENLARGEMENT: The increasing of the floor area to include the addition of height.
10. ERECTION: The raising and setting of a sign in an upright position, or the building and construction of a building.
11. FINISH OUT: Completion of interior units within a shell building as required by tenant.
12. GRADE LEVEL: The highest point of elevation of the finished surface of the ground, paving, or side walk between the main structure and the property line.
13. LOT: An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed for record.
14. PARKING SPACE: An open or enclosed area intended for the parking of vehicles and being at least 9' wide and 20' long, exclusive of the driveways connecting said space with a street or alley. Said parking space and connecting driveways shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile.
15. PERSON: Any individual, association, firm, corporation, governmental agency, or political subdivision.
16. PLAT: A complete and exact plan for the subdivision of a tract of land into lots for building purposes, which, if approved by the governing body, may be submitted to the County Clerk for recording.
17. RECONSTRUCTION: The building of a previously existing structure.
18. SHELL: An outside framework with an unfinished interior, or where four outside walls are completed as a unit with the interior intended to be finished for construction for use as required by tenants.
19. SITING: The location or position of a structure on a site or plat.
20. STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or exterior walls.
21. STRUCTURE: Anything constructed or erected, the use of which requires permanent or temporary location on the ground or attachment to something having a permanent or temporary location on the ground, including, but without limiting the general inclusiveness of the foregoing, advertising signs, billboards, poster boards, fences, and pergolas. (Ord. No. 192, 3/9/87)

Subchapt.	5.300	<u>NATIONAL AND INTERNATIONAL BUILDING CODE</u>
Sec.	5.301	CODES ADOPTED BY REFERENCE

The 2009 editions of the International Building Code, International Mechanical Code, International Plumbing Code, International Fire Code, International Sign Code, International Administrative Code, International Residential Code, International Fuel Gas Code, International Energy Conservation Code and International Property Maintenance Code (including appendices, standards, supplements and errata) are adopted for the City of Windcrest, Texas. Furthermore, the 2008 edition of NFPA, The National electrical Code, and the 2009 edition of the Life Safety Code, both published by the National Fire Protection Association

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(including appendices, standards, supplements and errata), are adopted for the City of Windcrest, Texas. (Ord. No. 588, 06/15/09)

Sec. 5.302 CLARIFICATION

If any provision(s) of the above adopted codes conflict or contravene any provision(s) of the Windcrest Code of Ordinances, the Windcrest Code of Ordinances shall prevail. (Ord. No. 588, 06/15/09)

Subchapt. 5.400 PERMIT & INSPECTION OFFICERS

Sec. 5.401 CREATION OF ENFORCEMENT AGENCY

The Department of Building Services is hereby created and the official in charge thereof shall be known as the Director of Building Services.

Sec. 5.402 CITY INSPECTOR

The City Manager shall appoint a Director of Building Services, subject to approval of the City Council, qualified to serve as a Building Official, Certified Code Enforcement Officer and Permit officer who shall have authority to act for and in behalf of the City of Windcrest in accordance with the provisions of this Chapter.

Sec. 5.403 ASSISTANTS

The Director of Building Services shall have the authority to appoint related technical officers, inspectors, plan examiners and other employees to assist the Director of Building Services in the enforcement of the provisions of this chapter or any chapter within the Code of Ordinances of the City of Windcrest.

Subchapt. 5.500 GENERAL REQUIREMENTS PERTAINING TO ALL ZONING DISTRICTS

Sec. 5.501 PERMITS

No structure, building or parking lot (area), shall be erected, sited, constructed, altered, reconstructed, enlarged, finished out, or demolished (except for those detached accessory buildings specifically described in Section 1203 hereof), in any zoning district of the City of Windcrest, without a permit therefore having first been issued by the Director of Building Services, and no such permit shall be issued unless the tract or lot upon which such structure, building or parking lot (area) is now or is to be located shall have been formally platted as required by Chapter 19, and said plat filed for record in the manner provided by law. (Ord. No. 192, 3/9/87)

The following types of construction work are specifically identified as requiring permits to be issued by the City of Windcrest in the manner prescribed in this Subchapter:

1. New residential building, including mechanical, electrical, and plumbing work.
2. Remodeling and additions, including mechanical, electrical, and plumbing work.
3. All types of roofing, to include replacement of shingles.
4. Fence, new or replacement of an existing fence, when using different material or placed in a different location. (all masonry fences require a permit)
5. Furnace, or central air conditioning, entire new unit or replacement of an existing unit or component.
6. Flatwork:

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- A. Driveways, new or a replacement, including curb cut,
 - B. Sidewalks,
 - C. Slabs in front or side yards exceeding 16 sq. feet.
7. New irrigation or lawn sprinkler systems or the replacement of backflow prevention.
 8. New swimming pools, either above or in the ground.
 9. New spas or hot tubs.
 10. Masonry mailboxes on public sidewalks.
 11. New or replacement water heaters or water softeners.
 12. Accessory buildings as defined as defined herein above and (See Chapter 23 for additional accessory building requirements) used as a tool, greenhouse, playhouse, storage shed or similar use, located in an R-1 Zoned District, and erected, sited, constructed, reconstructed, or enlarged must comply with the following requirements:
 - A. No sewer connections shall be installed. Electrical, water or gas connections may be made with appropriate permits.
 - B. No more that two (2) buildings, one (1) being a greenhouse, may be erected if other than 90 percent masonry buildings.
 - C. Buildings shall not be sited or constructed forward of the rear-most portion of the main structure.
 - D. All accessory buildings shall be set-back not less that ten (10) feet from the main dwelling and not less that three (3) feet from all lot lines and shall not occupy any portion of easements if placed on permanent foundation. If portable the three (3) foot setback applies. Masonry buildings shall not be less than ten (10) feet from all lot lines and shall not occupy any portion of easements.
 - E. Excluding masonry buildings, buildings will not exceed 144 sq. ft. of interior space nor nine (9) feet in height (above grade level). Grade level is defined as the highest point of elevation of the finished surface of the ground, paving, or sidewalk between the main structure and the property line.
 - F. Buildings will be of a color which matches or is in harmony with the existing main structure. Masonry buildings will be in harmony in design, color and materials with the existing main structure.
 13. Accessory buildings or portable containers used as a storage shed or similar use located in a B-1 or B-2 Zoned District are not permissible without the specific approval of the City Council. The procedures outlined in Sec. 5.1202 will be followed to obtain a building permit for the addition or placement of an accessory building.
 14. No temporary or permanent building or structure shall be constructed, erected, sited, altered, enlarged or finished out on any lot forward of the rear most portion of the main structure unless it is attached to the main structure and its walls are at least ninety percent (90%) masonry, such as stone, brick, stone veneer, brick veneer or cement plaster. Attached buildings or structures without walls shall be constructed of cedar, cypress or redwood lumber which is painted or stained to correspond in style and architecture to the main structure to which it is appurtenant. Attached buildings or structures with roofs shall have the same material, color and design as the structure to which it is appurtenant. Any attached building or structure shall not encroach past a building setback line in the applicable plat or city code. (Ord. No. 346, 2/21/2000)

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15. All temporary or permanent buildings and structures, whether attached or free-standing, shall meet the design loads and anchorage criteria of the International Building Code. An applicant for a building permit shall furnish verification of compliance with such design loads and anchorage criteria. (Ord. No. 346, 2/21/2000)

Sec. 5.502 APPLICATION FOR BUILDING PERMIT

No permit for the erection, construction, alteration, reconstruction, enlargement, finish out, or demolition of any structure, building or parking lot (area) shall be issued by said officer, unless there first shall be filed in the permit office by the applicant therefore, the following documents and/or information: Two complete sets of proposed construction plans drawn to an appropriate scale should be submitted for a building permit. An application for permit must be completed. Plans should be complete, legible and site specific, allowing the plan reviewer to review the drawings and specifications with as minimal questions. A plan review fee will be assessed whether or not the plans are approved.

1. If plans are developed by an architect they must be sealed in accordance with the Architectural Practice Act and must be sealed with the architect's original signature.
2. Plans prepared by an engineer must be sealed in accordance with the Engineering Practice Act and must be sealed with the engineer's original signature.
3. Buildings in which the area is in excess of 5,000 sq. ft. more than two stories in height or with a clear span of over 24 feet, shall have plans sealed in accordance with the Engineering Practice Act. Group R3 (single family dwellings) buildings regardless of size, shall require neither a registered architect or engineer certification.
4. Metal framed structures require structural engineering.
5. Applicant should ensure that proper zoning and platting are accomplished or are in process before submission of plans. If in process it should be so stated. The preliminary plat should be numbered and indicate the subdivision name.
6. Plans marked "Not for construction", "Preliminary", "For bid only", etc., will not be accepted.

Sec. 5.503 GENERAL PLAN REQUIREMENTS

Complete Site Plan - To include:

1. Show the entire lot, not just a part of a lot or lease lines.
2. Include all easements, rights-of-way, existing structures and any proposed construction.
3. Include existing and proposed parking layout.
4. Include existing and proposed sidewalks, approaches and curbs.
5. Show the location of the building within the site.
6. Include grade differentials.

Complete Foundation Plan - Foundation should be designed or engineered in accordance with the City of Windcrest applicable construction codes. All foundations 5,000 sq. ft. or more are required to be engineered as required by the Texas Engineering Practice Act.

Complete Floor Plan - Drawn to an appropriate scale.

1. Plans for an addition to an existing building or lease space shall show the entire existing floor plan and use, as well as the proposed addition, noting all room and their use; i.e. , receptionist, lunch room den, bath, etc.
2. Any existing walls to be removed should be shown, as well as any new walls to be constructed.

Typical Wall Section - Indicate the method of construction and fire-resistive capacity, if applicable.

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Complete Mechanical Layout - Include trunk lines, ducts, diffusers, etc.

Complete Plumbing Layout - Include type of material, size of drain, waste and vents, and gas and water piping. Show location of fixtures and appliances.

Complete Construction Documents relating to IECC - Indicated the systems approach for the entire building and its energy using subsystems. Indicate which Chapter of the IECC (4, 5, or 6) is being used in calculations. RESCHECK or MECHECK may be submitted in lieu of above.

The City Council may consider an appeal of any refusal of the Director of Building Services to issue any permit for any building, or use of any premises which would violate the provisions of this chapter.

Sec. 5.504 EXPIRATION

Permits issued under the provisions of this Subchapter, shall expire and shall become null and void if the work authorized by such permit is not commenced within ninety (90) days from the date of such permit or if the work authorized by such permit is suspended or abandoned any time after the work is commenced for a period of sixty (60) consecutive days, unless a time extension is requested and is issued by the City Permit Officer. In the event of expiration of a building permit, before such work can be recommenced, a new permit shall first be obtained, and a fee assessed shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in these original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one (1) year.

Sec. 5.505 ASSIGNMENT PROHIBITED

A building permit issued pursuant to this Subchapter may not be assigned by the holder without the prior written approval of the Windcrest City Council. The City Council is not required to approve the assignment.

Sec. 5.506 TYPES OF PERMITS AND INSPECTIONS REQUIRED

BUILDING PERMIT - This type of permit typically covers work such as new construction, rehabilitation, accessory buildings, slabs, driveways, foundation work etc. Traditionally, this type permit requires the following inspections:

1. **Foundation Inspection:** To be made after trenches are excavated, forms erected, reinforcement in place and any required plumbing in slab is in place and prior to the pouring of concrete. Holes for concrete piers or wooden posts are also inspected at this stage.
2. **Flatwork Inspection:** To be made after the steel and reinforcement has been placed in driveways, sidewalks, etc. and prior to the pouring of concrete.
3. **Frame Inspection:** To be made after the roof, all framing, fire blocking and bracing is in place, all concealed wiring, all pipes, chimneys, ducts and vents are complete and all penetrations are sealed in accordance with the IECC.
4. **Insulation Inspection:** To be made after the required insulation is placed in the walls. (This inspection should be requested only after all the required rough-in inspections in mechanical, electrical and plumbing have been approved). Certificate from the insulation installer will be required after ceiling insulation is installed.
5. **Final Inspection:** to be made after the building is completed and ready for occupancy.

ELECTRICAL PERMIT - This type of permit covers any electrical work to be performed such as new wiring, rewiring, or repair of existing electrical wiring. Traditionally this type permit requires the following inspections:

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1. **Underground Inspection:** To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
2. **Rough-In Inspection:** To be made after the roof, framing, fire blocking and bracing is in place and prior to the installation of wall or ceiling membranes.
3. **Final Inspection (TOPS):** To be made after the building is complete, and all required electrical fixtures are in place and properly connected or protected, and the structure is in need of a Temporary Meter on a Permanent Set from City Public Service Energy.

PLUMBING PERMIT - This type permit covers any plumbing work to be performed such as plumbing installations, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances when connected to a water, sewer or gas system. Traditionally this type permit requires the following inspections:

1. **Rough-In Inspection:** To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place. The 10 foot water test of piping systems is usually performed at this point.
2. **Top-Out Inspection:** To be made after the roof, framing, fire blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to the installation of wall or ceiling membranes. A gas test is usually performed at this point. Air is forced in the system until there is a uniform gauge pressure of 10 psi or sufficient to balance a column of mercury 10 inches in height for 10 minutes.
3. **Final Inspection:** To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

MECHANICAL PERMIT - This type permit covers the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilation, heating, cooling, air conditioning refrigeration systems, incinerators, and other energy-related systems. Traditionally this type permit requires the following inspections:

1. **Underground Inspection:** To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. **Rough-In Inspection:** To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
3. **Final Inspection:** To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

No building or structure may be occupied until such time as a Certificate of Occupancy is issued as required by the applicable codes.

Sec. 5.507 REPORTS

1. The Director of Building Services will submit a written report of construction and inspection activities, and activities of the Code Enforcement Officer, to the Windcrest City Council at each of its regular meetings. This report will cover the period between previous and current regular meetings of the Windcrest Planning and Zoning Commission.

Sec. 5.508 RECORDS

Records shall be kept of all building inspection activity in the offices of the Director of Building Services.

Subchapt. 5.600 SCHEDULE OF FEES

Sec. 5.601 FEE PAYMENT REQUIREMENTS

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1. No permit shall be issued unless the applicant has first paid to the City of Windcrest the applicable fees required.

A. Building permit fees shall be based on total value of construction. Such fees are subject to change without notice.

<u>TOTAL VALUATION</u>	<u>FEES</u>
\$1.00 to \$500.00	\$60.00
\$501.00 to \$2,000.00	\$60.00 for the first \$500.00 plus \$3.50 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$90.00 for the first \$2,000.00 plus \$16.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$458.00 for the first \$25,000.00 plus \$14.00 for each additional
\$1,000.00	or fraction thereof up to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$808.00 for the first \$50,000.00 plus \$12.00 for each additional \$1,000.00 or fraction thereof up to and including \$100,000.00.
\$101,000.00 to \$500,000.00	\$1,408.00 for the first \$100,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof up to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$4,500.00 for the first \$500,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof up to and including \$1,000,000.00.
\$1,000,000.00 and up	\$7,500.00 for the first \$1,000,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof .
Re-roof	\$50.00 for residential commercial based of valuation.
Curb Cuts	\$50.00
Certificate of Occupancy	\$100.00 (non-refundable)

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Variance Request	\$150.00
Moving Permit	\$100.00
Demolition Permit	\$50.00 up to and including 1,000 square feet and \$.50 per square foot over 1,000.
Plan Checking Fee half of the	Fee shall be equal to one building permit fee. Such plan checking is in addition to the permit fee.

Non-Compliance Fee - Where work for which a permit is required started or proceeds prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of the code in the execution of the work nor from any other penalties prescribed herein. A fee of \$100.00 shall be assessed for proceeding with any work without having an approved inspection at the required stage of construction. A re-inspection fee of \$75.00 shall be assessed for each failed inspection. A fee of \$100.00 shall be assessed for failure to correct any code violations as directed by the inspector. (Ord. 555, 8/18/08)

B. Plumbing permit fees shall be assessed based on the type of plumbing work to be performed as follows.

Plumbing Permit Base Fee	\$30.00 plus
Water Softener	\$5.00
House Sewer	\$5.00
Water Heater	\$15.00
Gas Test	\$5.00 for one to four outlets plus \$1.00 for each additional outlet.
Fuel Tanks	\$25.00 for 0 to 1,000 gallons and \$35.00 for over 1,001 gallons
Fixture or trap repair	\$5.00
New fixtures	\$10.00 each
Water line	\$5.00
Grease trap	\$30.00
Shower pan	\$30.00
Vacuum Breakers	\$5.00 for up to five, \$2.00 each thereafter
Irrigation/sprinkler/fire system	\$1.00 per head \$5.00 for one to four outlets, inclusive, and \$1.00 for each additional unit.
Fuel Tanks (Base Fee)	\$30.00 plus \$25.00 for 0 to 1,000 gallons and \$35.00 for over 1,001 gallons.
Plumbing Permit Fee (Base Fee)	\$30.00 plus \$5.00 for each plumbing fixture floor drain or trap (including water and drain

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\$5.00 for each house sewer. (New, replaced or repaired)
\$5.00 for each water heater.
\$5.00 for each water softener.
\$5.00 for water piping.
\$5.00 for up to five vacuum breakers.
\$2.00 for each over five.
\$1.00 per head for irrigation/sprinkler system.
\$1.50 per head for fire sprinkler system.

C. HVAC/Mechanical Permits (Base Fee) \$30.00 plus \$10.00 for the first \$1,000.00, or fraction thereof, of valuation of the installation plus \$10.00 for each additional \$1,000.00 or fraction thereof.

D. Electrical Permit Fees (Base Fee) \$30.00 plus
Swimming Pool \$45.00
Temporary Meter Loop \$30.00
First 20 fixtures \$25.00 plus \$.06 for each additional (includes receptacle, switch and outlets)
Signs \$30.00

- 2. Fee Refunds - The Director of Building Services shall authorized the refunding of fees as follows:
 - 1. No more than seventy-five percent of the permit fee paid when no work has been done under a permit issued.
 - 2. Written request must be filed with the City of Windcrest by the Original permittee no later than ninety days from permit issuance.

A re-inspection fee of \$75.00 shall be assessed for each failed inspection. A fee of \$100.00 shall be assessed for failure to correct any code violations as directed by the inspector.

Sec. 5.1302 Registration Fees.

A fee of \$20.00 shall be assessed for the registration of licenses issued by the State of Texas for Plumbers, HVAC contractors, Electrical contractors and for Home Builders.

Subchapt. 5.700 CERTIFICATE OF OCCUPANCY
Sec. 5.701 GENERAL PROVISIONS

The provisions outlined within the International Codes shall provide the requirements for the issuance of a Certificate of Occupancy prior to any use or occupancy of any building hereinafter erected.

Subchapt. 5.800 DANGEROUS/ABANDONED STRUCTURES
Sec. 5.801 PURPOSE

This Subchapter is enacted to establish the right of removal, vacation, repair, or demolition of any dilapidated building or structure which has been established to be a nuisance and dangerous, and to direct the same to be repaired, renovated, or abated. (Ord. No. 100, 7/10/72)

Sec. 5.802 DANGEROUS PREMISES DEFINED

All premises, buildings or structures which have any or all of the following defects shall be deemed "dangerous premises":

- 1. Those buildings or structures, whose interior walls or other vertical

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structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

2. Those buildings or structures which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.
3. Those buildings or structures which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
4. Those buildings or structures which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the people of the City of Windcrest.
5. Those buildings or structures which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or, the condition of which is likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein or to persons or property in the vicinity.
6. Those having light, air, or sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who occupy or live or may live therein.
7. Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of communication.
8. Those which have parts thereof which are so attached that they may reasonably be expected to fall and injure members of the public or property.
9. Those which because of their condition are unsafe, unsanitary, or dangerous to the health, safety or general welfare of the people of this City. (Ord. No. 100, 7/10/72)

Sec. 5.803 STANDARDS FOR REPAIR, VACATION, OR DEMOLITION

The following standards shall be followed in substance in ordering repair, vacation, and/or demolition:

1. If the "dangerous premises" can be feasibly repaired or the condition remedied so that it will no longer exist in violation of the terms of this Subchapter, it shall be ordered remedied or repaired. Repairs shall be deemed feasible only if less than fifty percent (50%) of the value or structure of the building(s) must be repaired or replaced.
2. If the "dangerous premises" is in such condition as to make it dangerous to the health or safety of its occupants, it shall be ordered to be vacated.
3. In any case where a "dangerous building" is fifty percent (50%), or more, damaged or decayed or deteriorated from its value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Subchapter, it shall be demolished. (Ord. No. 100, 7/10/72)

Sec. 5.804 NUISANCES

All "dangerous premises" within the terms of Section 5.1702 of this Subchapter are hereby declared to be public nuisances, and shall be abated as provided herein. (Ord. No. 100, 7/10/72)

Sec. 5.805 DUTIES OF THE DIRECTOR OF BUILDING SERVICES

The Director of Building Services shall:

1. Inspect any premises, building, wall or structure about which complaints are filed by any person to the effect that any premises or building, wall or structure is or may exist in violation of this Subchapter.
2. Inspect any premises, building, wall or structure reported (as hereinafter provided for) by the Health, Fire Marshal, Fire or Police Departments of this

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City as possibly existing in violation of the terms of this Subchapter.

3. Inspect any premises, building, wall or structure which he has reason to believe may be in violation hereof.
4. Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said premises at last known address(es) as shown by the records of the Assessor-Collector of taxes of the County of Bexar, of any premises found by him to be "dangerous premises" within the standards set forth in Section 5.1702 of this Subchapter that:
 - A. The owner must vacate, and/or repair, or demolish said building in accordance with the terms of the notice and this Subchapter;
 - B. The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession;
 - C. The mortgagee, agent or other persons having an interest in said building may at his own risk, repair, vacate, or demolish said building or have such work or act done;
 - D. Any person notified under this Section to repair, vacate, or demolish any building shall be given any reasonable time, not exceeding thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.
5. Set forth in the notice provided for in Paragraph 4 hereof, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building, or structure a "dangerous building", and an order requiring the same to be put in such condition as to comply with the terms of this Subchapter within such length of time, not exceeding thirty (30) days, as is reasonable.
6. If the owner, occupants, mortgagee, or lessee fails to comply with the notices provided in Paragraph 4 above within ten (10) days, the City Inspector shall report the condition to the City Attorney giving him a copy of the notice described in Sections 5.1705-5 and 5.1705-6 hereof.
7. The City Attorney shall then take any necessary action to secure compliance with the order of the City Inspector provided in Paragraph 5 of this Section, and in particular shall proceed as provided in Section 5.1706 hereof, taking additional steps to determine names and addresses of persons having an interest in the premises. (Ord. No. 100, 7/10/72)

Sec. 5.806 HEARING AND NOTICE

5.806.1 NOTICE OF HEARING

The Director of Building Services shall prepare a notice to the owner(s), lien holder(s), if any, occupants, if any, and any other person(s) having an interest in said "dangerous premises", notifying said persons that a hearing on the matter will be held by the City Council at a certain time on a certain day, not less than five (5) days and not more than thirty (30) days after receipt thereof, at City Hall in the City of Windcrest.

5.806.2 SERVING OF NOTICE

Such notice(s) shall be served by delivery to said person(s) or by U.S. Mail (certified or registered mail). Where any such person is a corporation, service upon an officer thereof or designated agent shall be deemed sufficient. Where such person's principal place of business is located outside of Bexar County, service upon the person in charge of the local office shall be deemed sufficient. Notices to owners other than occupants shall be deemed sufficient if addressed to the address shown on the City tax rolls. Such notice shall be published one time in the City's official publication in the event any persons having any interest in said premises, or their heirs, cannot be located after reasonable efforts.

5.806.3 HEARING REPORTS

The Director of Building Services shall present at such hearing reports by personnel of the Departments of Fire, Public Health, Permits and Inspections, Fire Marshal, or

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other City Departments and any other facts as to the condition of the premises.

5.806.4 HEARING ATTENDANCE

Any person(s) having an interest in the property shall have the opportunity to appear at such hearing, in person or by attorney, to present any relevant facts as to the condition of the premises and hear the reports of any City personnel or of any other persons which may be presented.

5.806.5 CITY COUNCIL DETERMINATION

The City Council, as the fact-finder, shall, after consideration of the foregoing, determine by Ordinance whether or not the premises in question contain or constitute a condition which is deemed a nuisance or a hazard to the public health or safety or both, which should be abated. If the Council affirmatively determines the premises to be a nuisance, such Ordinance shall direct the City Attorney to proceed forthwith to file suit in a court of competent jurisdiction to have the said premises declared a nuisance and abated by appropriate means, and to assess the costs of such proceedings and abatement against the owners of said premises and as a lien thereon.

5.806.6 REMEDIES AND PENALTIES

The remedy provided for in Subsection 5.1706.5 shall be available to the City in addition to any penalty or other remedy which the City, State, or any other person may have to remedy the "dangerous premises" condition. (Ord. No. 100, 7/10/72)

Sec. 5.807 EMERGENCY CASES

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "dangerous building" or portion thereof, as defined herein, is immediately vacated and/or repaired, or demolished, the City Inspector shall cause the immediate vacation and/or repair or demolition of such "dangerous building". The costs of such emergency repair, vacation or demolition of such "dangerous building" shall be collected in the same manner as provided in Subsection 5.1706.5 hereof. (Ord. No. 100, 7/10/72)

Sec. 5.808 ADMINISTRATIVE LIABILITY

No officer, agent or employee of the City shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Subchapter. Any suit brought against any officer, agent, or employee of the City as a result of any act required or permitted in the discharge of his duties under this Subchapter shall be defended by the City Attorney until the final determination of the proceeding therein. (Ord. No. 100, 7/10/72)

Sec. 5.809 DUTIES OF OTHER DEPARTMENTS

The heads of the Fire, Police, Public Health, Fire Marshal, and other City Departments shall make prompt reports in writing to the Director of Building Services of all buildings or structures which are, may be, or are suspected to be "dangerous premises" within the terms of this Subchapter. (Ord. No. 100, 7/10/72)

Subchapt. 5.900 STREET EXCAVATIONS

Sec. 5.901 PERMITS

No person shall make a boring, cut, opening, or excavation in

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or of any street, alley, highway, or public place located within the City of Windcrest, without a permit therefore having been first issued by the City Permit Officer. No fee shall be charged for such permits.

Sec. 5.902 APPLICATIONS

Applications for such permits shall be made to the City Permit Officer at least twenty-four (24) hours prior to commencement of work, on forms prescribed for such purposes provided that an advance application shall not be required in the case of an emergency. Detailed plans shall be submitted with the Application.

Sec. 5.903 EMERGENCY

As used in this Subchapter, the term "emergency" shall mean a break or leak in an underground utility line or a disruption in a utility service.

In the event an emergency occurs during normal business hours, the applicant shall notify the City Permit Officer immediately and in turn the police department and the fire department shall be notified as appropriate.

Sec. 5.904 PROCEDURES

The City is hereby authorized to regulate the hours of non-emergency construction and to require that excavations be covered by steel plates or other approved devices during designated hours. No street, alley, highway, or public place shall be encumbered or obstructed to traffic for a longer period than shall be necessary to complete the work detailed in the permit and attached plans.

Boring shall be utilized in all cases unless the cost is prohibitive; i.e., rock, other utilities, or known unusual features which would increase the cost beyond normal boring costs.

Sec. 5.905 SURFACE REPAIRS AND MAINTENANCE

The surface of any street, alley, highway, or public place disturbed by the permittee shall be restored within a reasonable time after completion of the work to as good a condition as before the commencement of the work and thereafter maintained to the satisfaction of the City for one (1) year from the date the surface has been restored to a condition acceptable to the City, after which time the responsibility for the maintenance shall become the duty of the City of Windcrest (Ord. No. 188, 9/22/86)

Sec. 5.906 PENALTY

Any person, firm, or corporation who shall violate any provision of this subchapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with Section 1.1301 of this Code. (Ord. No. 202, 11/9/87; Subchapter renumbered by Ord. 365, 3/20/01)